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FORT LAUDERDALE CITY COMMISSION  
June 18, 2002**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
June 18, 2002**

Meeting was called to order at 6:28 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Gloria Katz  
Commissioner Tim Smith (6:33)  
Commissioner Carlton B. Moore (6:37)  
Commissioner Cindi Hutchinson  
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	F. T. Johnson
	City Attorney	Dennis E. Lyles
	City Clerk	Lucy Masliah
	Sergeant At Arms	Sergeant Martin

Invocation was offered by *Chaplain Rick Braswell*, Broward Sheriff's Office/Fort Lauderdale Police Department.

Pledge of Allegiance to the Flag.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Katz that the agenda and minutes of the meeting as shown below be approved:

Regular Meeting      June 4, 2002

Roll call showed: YEAS: Commissioners Katz, Hutchinson and Mayor Naugle. NAYS: none.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

**Presentations** ..... (OB)

1.      Expressions of Sympathy

Mayor Naugle presented Expressions of Sympathy, on behalf of the City Commission, to the families of *Richard Charles Avon* and *William E. "Bill" Moffatt*.

2. Community Appearance Board's 24<sup>th</sup> Annual Awards Program Sponsors

Commissioner Hutchinson recognized and presented plaques to the sponsors of the Community Appearance Board's 24<sup>th</sup> Annual Awards Program, as well as the sponsors of the monthly "WOW" Award. They included the Las Olas Company, Michael Charles Limited, Inc., Caldwell Banker Residential Real Estate, Inc., CH2M Hill, the Stiles Corporation, Ed D. Stone, Jr., & Associates, Growers Equipment, Jacqueline Scott & Associates, Longa Trevy General Contractors, the Tree Team, Inc., Balforte Contracting, Inc., the Eastsider, the Bernard Corporation, and Amar Hardware. Mayor Naugle expressed appreciation to the Community Appearance Board for a wonderful program this year.

At 6:33 p.m., Commissioner Smith arrived at the meeting.

**Consent Agenda** ..... (CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

**Event Agreement – Rhythms of the River** ..... (M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Redemption Song, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with **Rhythms of the River** to be held **Sunday, September 22, 2002 from 11:00 a.m. to 5:00 p.m.** along the Riverwalk, including Esplanade; and further authorizing the closing of S.W. 4 Avenue from the parking lot entrance south of the old New River Post Office building to the cul-de-sac at Riverwalk from 6:00 a.m. to 6:00 p.m. on the event day.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-874 from City Manager.

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**Event Agreement – Memory Walk ..... (M-2)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Alzheimer's Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Memory Walk** to be held **Saturday, October 19, 2002 from 8:00 a.m. to 12:00 noon** at Las Olas Riverfront and the Downtown streets and sidewalks; and further authorizing the closing of the following route: beginning at Las Olas Riverfront at 9:00 a.m. and heading east along Riverwalk to S.E. 5 Avenue, north to S.E. 4 Street, west to S.E. 3 Avenue, south over the Bridge to South New River Drive, west to S.W. 1 Avenue, south to S.W. 5 Street, west to S.W. 4/S.W. 7 Avenue, north over the Bridge to West Las Olas Boulevard, east to Riverwalk to return to Las Olas Riverfront.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-873 from City Manager.

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**Agreement – Goodwill Industries, Inc. -  
Instructional Computer Classes at the Beach Community Center ..... (M-3)**

A motion authorizing the proper City officials to execute an agreement with Goodwill Industries, Inc. to provide instructional computer classes at the Beach Community Center for a term of July 1, 2002 through June 30, 2003.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-832 from City Manager.

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**Agreement – North Broward Hospital District (NBHD) –  
Fitness/Wellness/Health Arts Classes at the Beach Community Center ..... (M-4)**

A motion authorizing the proper City officials to execute an agreement with the NBHD to provide fitness/wellness/health arts classes at the Beach Community Center for a term of July 1, 2002 through June 30, 2003.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-831 from City Manager.

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**Concession Agreement –  
City County Credit Union – Automatic Teller Machine (ATM) at City Hall ..... (M-5)**

A motion authorizing the proper City officials to execute a Concession Agreement with the City County Credit Union for the operation of an ATM at City Hall.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-743 from City Manager.

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**Office Lease Agreement – Fidelity Properties Trust, Inc. - City Prosecutor Offices – 200 S.E. 6 Street..... (M-6)**

A motion authorizing the proper City officials to execute an office lease agreement with Fidelity Properties Trust, Inc., for the City Prosecutor offices at 200 S.E. 6 Street for a term of five years.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-744 from City Manager.

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**Task Order – Woolpert LLP – Project 414A – Geographic Information Systems (GIS) Utility Mapping and Data Conversion Services ..... (M-7)**

A motion authorizing the proper City officials to execute a task order with Woolpert LLP in the amount of \$494,272 to update the City's GIS utility database.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-914 from City Manager.

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**Contract Award – Americool Air Conditioning and Refrigeration, Inc. – Project 10497 – Replacement of Air Conditioning Fan Coil Units at City Hall ..... (M-8)**

A motion authorizing the proper City officials to execute an agreement with Americool Air Conditioning and Refrigeration, Inc. in the amount of \$17,448 for the air conditioning fan coil units at City Hall.

**Funds:** See Bid Tab

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-748 from City Manager.

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**Amendment to Agreement – Flynn Engineering Services, P.A. – Project 15200E – Holiday Park Phase II (Roller Hockey Facility) ..... (M-9)**

A motion authorizing the proper City officials to execute an amendment to the agreement with Flynn Engineering Services, P.A. in an amount not to exceed \$11,000 to provide services during construction of a roller hockey facility at Holiday Park.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-749 from City Manager.

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**Event Agreement – Festival Traditional ..... (M-10)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Wonderful Network, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **Festival Traditional** to be held **Thursday, July 4, 2002 from 2:00 p.m. to 11:00 p.m.** at the Fort Lauderdale Stadium Festival site.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-942 from City Manager.

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**Change Order No. 1 – Megan South, Inc. –  
Project 15160 – Joseph C. Carter Park Improvements ..... (M-11)**

A motion authorizing the proper City officials to execute Change Order No. 1 with Megan South, Inc. in the amount of \$950,000 for the remainder of the Joseph C. Carter Park improvements.

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-750 from City Manager.

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**Change Order No. 1 – MBR Construction, Inc. –  
Project 9425 – Harbor Beach Entranceway and Roadway Renovations ..... (M-12)**

A motion authorizing the proper City officials to execute Change Order No. 1 with MBR Construction, Inc. in the amount of \$18,586 for the Harbor Beach entranceway and roadway renovations.

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-904 from City Manager.

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**Change Order No. 7 (Final Adjusting) –  
H. L. Pruitt Corporation – Project 10000 -  
Executive Airport Airfield Electrical, Lighting and Signage Rehabilitation ..... (M-13)**

A motion authorizing the proper City officials to execute Change Order No. 7 in the amount of \$70,993.72 with H. L. Pruitt Corporation for the Executive Airport airfield electrical, lighting and signage rehabilitation project.

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 00-902 from City Manager.

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**Investment Policy for Cemetery System Trust Funds ..... (M-14)**

A motion approving a new investment policy for the Cemetery System Trust Funds to meet requirements established by Florida Statute 218.415.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-527 from City Manager.

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**Amendment to Public Transportation Service Agreement –  
Broward County – Hybrid-Electric Diesel Turbine Public Passenger Vehicles ..... (M-15)**

A motion authorizing the proper City officials to execute an amendment to the Public Transportation Service Agreement with Broward County to provide the City with two hybrid-electric diesel turbine public passenger vehicles and eliminating the annual capital contribution paid to the City under the agreement. (Also see Item M-16 on this Agenda)

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-923 from City Manager.

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**Amendment to Operational Service Agreement –  
Fort Lauderdale Transportation Management Association  
(TMA) – Hybrid-Electric Diesel Turbine Public Passenger Vehicles ..... (M-16)**

A motion authorizing the proper City officials to execute an amendment to Operational Service Agreement with the TMA to provide for the operation of two hybrid-electric diesel turbine public passenger vehicles and eliminating the annual capital contribution paid to the City under the agreement. (Also see Item M-15 on this Agenda)

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-924 from City Manager.

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**Disbursement of Funds –  
Joint Investigation – O. R. No. 99-114321 - \$6,309.60 U. S. Currency ..... (M-17)**

A motion authorizing the equitable disbursement of funds in the amount of \$371.15 to each of the 17 participating task force agencies.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-5-11 from City Attorney.

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**Transfer of Law Enforcement**

**Trust Funds (LETf) – Parks and Recreation Youth Programs ..... (M-18)**

A motion authorizing the transfer of \$4,935 from the LETf (Fund 107) to Fund 129, Miscellaneous Grants (GSUMMER02) effective June 19, 2002, to support increased Parks and Recreation youth programs as a result of the School Board of Broward County's cancellation of summer school this year.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-850 from City Manager.

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**Grant Acceptance – U. S. Department of Justice,**

**Bureau of Justice Assistance (BJA) – Bulletproof Vest Partnership ..... (M-19)**

A motion authorizing the proper City officials to execute any and all documents necessary to accept and expend a grant from the U. S. Department of Justice, BJA, in the amount of \$5,825.02, effective October 1, 2002, in support of the Bulletproof Vest Partnership Grant project.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-917 from City Manager.

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**Interlocal Agreements – Broward County –**

**Local Option Gas Tax, Local Option Motor Fuel Tax and Transit Gas Tax ..... (M-20)**

A motion authorizing the proper City officials to execute with Broward County the 19<sup>th</sup> Amendment to the Interlocal Agreement providing for the distribution of proceeds of the Local Option Gas Tax, and the 2002 Amendment to the Interlocal Agreement providing for the distribution of the proceeds from the Broward County 5<sup>th</sup> cent additional local option gas tax on Motor Fuel for Transit; and further authorizing the rejection of the 2002 Amendment to the Local Option Gas Tax on Motor Fuel Ordinance.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-884 from City Manager.

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## PURCHASING AGENDA

### **Proprietary – FAMIS/BREP Software Support and Maintenance ..... (Pur-1)**

A sixteen-month agreement for FAMIS/BREP software support and maintenance is being presented for approval the Administrative Services, Information Technology Division.

Recommended Award: Tier Technologies, Inc.  
McLean, VA  
Amount: \$ 170,453.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 02-852 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

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### **Professional Services - On-line Title Information Services ..... (Pur-2)**

An agreement to purchase computerized on-line title information services for FY 2002 is being presented for approval by the City Attorney's Office.

Recommended Award: Attorney's Title Insurance Fund, Inc.  
Fort Lauderdale, FL  
Amount: \$ 15,200.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 02-1425 from City Attorney

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the professional services.

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**RFP 322-8687 – HOPWA 2002-2003 Grant Awards – City ..... (Pur-3)**

An agreement to approve funding for HOPWA 2002-2003 Grant Award is being presented for approval by the Community and Economic Development Department.

Recommended Award: Broward House, Inc.  
Fort Lauderdale, FL  
Mount Olive Devel. Corp. (MODCO)  
Fort Lauderdale, FL  
House of Hope and Stepping Stones, Inc.  
Fort Lauderdale, FL  
Shadowood II, Inc.  
Fort Lauderdale, FL  
Integrity Place of Broward, Inc.  
Fort Lauderdale, FL  
Good Orderly Direction, Inc.  
Lauderhill, FL  
Amount: \$ 2,749,269.00  
Bids Solicited/Rec'd: 29/6  
Exhibits: Memorandum No. 02-859 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the funding.

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**State – Information Security Services Upgrade ..... (Pur-4)**

An agreement to purchase an information security services upgrade is being presented for approval by the Police Department.

Recommended Award: Gartner Group  
Fort Myers, FL  
Amount: \$ 47, 600.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 02-706 from City Manager

The Procurement and Materials Management Division recommends award from the Florida State Contract.

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**672-7644 – Increase Expenditure for Fire Hydrants ..... (Pur-5)**

An agreement to increase contract expenditure for fire hydrants is being presented for approval by the Public Services Department.

Recommended Award: U.S. Pipe & Foundry Co.  
Fort Lauderdale, FL  
Amount: \$ 50,000.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 02-819 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the increased expenditure.

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**782-7967 – Increase Expenditure for Mobile Refuse Carts ..... (Pur-6)**

An agreement to increase contract expenditure for mobile refuse carts is being presented for approval by the Public Services Department.

Recommended Award: Cascade Engineering  
Grand Rapids, MI  
Amount: \$ 347,784.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 02-745 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the increased expenditure.

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**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-10, M-12, M-15, and M-18 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Hutchinson and Mayor Naugle. NAYS: none.

**Selection of City Attorney ..... (OB)**

Mayor Naugle explained that the City Commission had conducted lengthy interviews with all 3 of the candidates for the position of City Attorney earlier today, and all of them were extremely qualified. Commissioner Katz still felt this was one of the most important decisions the City Commission would make, and she supported hiring Mr. Harry Stewart.

At 6:37 p.m., Commissioner Moore arrived at the meeting.

Commissioner Smith pointed out that the City faced major challenges, and he believed Mr. Stewart's 25 years of experience with municipal and county government made him the best choice.

Commissioner Moore had been impressed with all of the candidates, and he believed two candidates would fit the City's needs – Mr. Stewart and Ms. Lindsey Payne. He also complimented the Commission on the questions posed of the candidates, and supported the retention of Mr. Stewart. Commissioner Hutchinson also supported Mr. Stewart.

Mayor Naugle believed he could work with any of the 7 top candidates, and he preferred Ms. Payne due to her local experience, but he supported the unanimous selection of Mr. Stewart.

Commissioner Moore noted that Mr. Stewart had indicated he would need 60 days to assume the responsibilities of the position, and he preferred no more than 45 days so he could work with the current City Attorney for two weeks. Commissioner Moore asked that Mr. Stewart join the City no later than August 15, 2002. Commissioner Smith felt that was a reasonable request.

Mayor Naugle said that he and the City Manager would attempt to present a contract with Mr. Stewart on July 2, 2002 based on previous discussions about the compensation contract. Commissioner Moore suggested that if agreement could not be reached with Mr. Stewart within that time frame, discussions with Ms. Payne be quickly initiated. Mayor Naugle noted that could be discussed on July 2, 2002 as well.

Commissioner Moore introduced a written resolution entitled:

#### RESOLUTION NO. 02-107

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO NEGOTIATE A CONTRACT OF EMPLOYMENT AS CITY ATTORNEY WITH HARRY STEWART.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

#### **Event Agreement – Festival Traditional ..... (M-10)**

Commissioner Hutchinson understood police services were being requested. Mr. Vince Gizzi, Parks & Recreation Department, advised that the organizer would pay the cost.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item No. M-10 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

#### **Change Order No. 1 – MBR Construction, Inc. – Project 9425 – Harbor Beach Entranceway and Roadway Renovations ..... (M-12)**

Commissioner Hutchinson wonder if the Florida Department of Transportation (FDOT) was paying any of this cost or if this was something the City had requested. Mr. Hector Castro, City Engineer, stated that the City was paying for this in order to expedite the project and minimize impacts on beach businesses.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore that Consent Agenda Item No. M-12 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Amendment to agreement – Flynn Engineering Services, P.A. –  
Project 15200E – Holiday Park Phase II (Roller Hockey Facility) ..... (M-9)**

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to reconsider Consent Agenda Item No. M-9, at the request of Commissioner Moore. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Commissioner Moore said he wisied to vote against this item.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-9 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Hutchinson, and Mayor Naugle. NAYS: Commissioner Moore.

**Amendment to Public Transportation Service Agreement –  
Broward County – Hybrid-Electric Diesel Turbine Passenger Vehicles ..... (M-15)**

Commissioner Hutchinson asked if the \$20,000 was still due or not. Mr. Horace McHugh, Assistant to the City Manager, replied that the City would no longer be receiving the \$20,000 annual capital contribution. Commissioner Smith understood the City would receive the 2 vehicles in lieu of the \$20,000. He asked if these would be 2 additional buses to add to the existing 2 buses in the fleet. Mr. McHugh replied that the TMA would use these vehicles and stop leasing the other 2 vehicles.

Commissioner Smith felt the technology of these vehicles was appropriate, but he was still concerned about aesthetics because it still looked like a bus. He hoped for a more attractive, inviting vehicle. Mayor Naugle suggested adoption of a color scheme similar to the water taxi design for the sake of consistency. Commissioner Smith thought that was a good idea, but he preferred more of a trolley vehicle with numerous access points that was airy and open.

Mayor Naugle noted that the water taxi had hired a company to prepare its design, and it used a unique to Fort Lauderdale. He hoped some elements of that design could be incorporated into a Fort Lauderdale-based special transit vehicle. Commissioner Smith agreed something “distinctively ours” would be beneficial. Mr. McHugh noted that the photograph shown was a picture of another model used elsewhere, but the graphics would not be as depicted. Commissioner Smith understood, but he was concerned about the general appearance of it as a bus no matter what color it was painted. He did not think this was the right look. Commissioner Moore thought it looked like a bus, and he had no objection to entertaining some other concepts in the future.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item No. M-15 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Transfer of Law Enforcement Trust Funds (LETF) –  
Parks and Recreation Youth Programs ..... (M-18)**

Commissioner Smith supported this item, and he wanted to make sure there was enough money to provide programming. He understood participation would be limited to a number of kids. Mr. Steve Person, Recreation Superintendent, stated that the fees would offset the cost of the program. Commissioner Smith thought that if there were more than 51 kids who needed to attend summer camp, they should be able to do so. Mr. Person explained that it was estimated 51 kids would attend, but if more kids came out, they would have to be accommodated. Commissioner Smith did not want to limit it. Commissioner Moore suggested a policy that no child be turned away. If that meant staff would have to come back for an additional appropriation, he would support it.

The City Manager stated that there were a number of alternative programs for disadvantaged youth, and alternative funding sources had been identified. However, staff would come back to the Commission for additional funding if there were a need.

Commissioner Moore felt this was an opportunity to address concerns about the use of school facilities. He pointed out that the School Board had eliminated summer school this year due to its budgetary constraints, and the City was using its tax dollars to fill that void. Nevertheless, use of the schools for programming seemed to be a problem. He asked that the City Manager correspond with the Superintendent and Chair of the School Board in this regard.

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to approve Consent Agenda Item No. M-18 as amended to implement a “no child turned away” policy. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

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**MOTIONS**

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

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**Settlement of Police Professional Liability  
File No. PPL 96-1033 (Doris Striggles) ..... (M-21)**

A motion was presented authorizing the settlement of Police Professional Liability File No. PPL 96-1033 (Doris Striggles) in the amount of \$27,500.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the settlement of Police Professional Liability File No. PPL 96-1033 in the amount of \$27,500. Roll call showed: YEAS: Commissioners Katz, Smith, Hutchinson and Mayor Naugle. NAYS: Commissioner Moore.



**Settlement of Labor Relations File No. LR 99-871 (Pamela Melgar) ..... (M-22)**

A motion was presented authorizing the settlement of Labor Relations File No. LR 99-871 (Pamela Melgar) in the amount of \$30,000.

**Motion** made by Commissioner Smith and seconded by Commissioner Katz to approve the settlement of Labor Relations File No. LR 99-871 in the amount of \$30,000. Roll call showed: YEAS: Commissioners Katz and Mayor Naugle. NAYS: Commissioners Smith, Moore, and Hutchinson.

**Settlement of Workers Compensation File No. WC 97-9453 (James DiPaolo)..... (M-23)**

A motion was presented authorizing the settlement of Workers Compensation File No. WC 97-9453 (James DiPaolo) in the amount of \$132,000.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the settlement of Workers Compensation File No. WC 97-9453 in the amount of \$132,000. Roll call showed: YEAS: Commissioners Katz, Smith, Hutchinson and Mayor Naugle. NAYS: Commissioner Moore.

**FY 2001/2002 Community Development  
Block Grant (CDBG) Funds Program Amendment ..... (M-24)**

A public discussion was scheduled on a proposed program amendment for the FY 2001/2002 CDBG program funds. Notice of public discussion was published May 16, 2002 (*Westside Gazette*) and May 19, 2002 (*Sun-Sentinel*).

Ms. Faye Outlaw, Deputy Director of Community Development, explained that this amendment would transfer funding from various projects and activities that had not materialized or were not scheduled to move forward this year to other activities so the monies would be spent by July 2, 2002 to meet federal spending requirements.

*Ms. Marsha Goldsby*, President of the Lauderdale Manors Homeowners' Association, stated that \$122,000 was being moved from Melrose Manors to Northwest 22<sup>nd</sup> Way. She advised that 2 properties would be affected by the sidewalk installation proposed, and they had received correspondence indicating that the sidewalks would be installed in June. She explained that a second correspondence had required the property owners to remove or relocate their fences, but now the sidewalk funding was being redirected until 2005.

Mr. Greg Kisela, Assistant City Manager, explained there had been a request for speed humps about 6 or 7 months ago, and staff had recommended against it at the time because the sanitary sewer project would be initiated in October. He stated that it would not be prudent to install street improvements and sidewalks only to remove it within the next 12 to 18 months.

Commissioner Moore understood Ms. Goldsby's frustration, but the City did not intend to renege on the promise of the sidewalks, only delay it. He asked that correspondence be sent to area residents explaining that the sidewalks would be installed after the sewer project was completed. Further, if property owners had moved their fences, he wanted to staff to meet with them individually and provide some recommendation if security was a concern. The City Manager stated that staff could do so, although he felt it would be more practical to meet with those affected as a group. Commissioner Moore asked that he provide a list of their names.

Mr. Kisela advised that the portion of the sanitary sewer work in the area of the affected sidewalks was scheduled to commence in April, 2003.

Commissioner Katz believed the City had been in this situation before in which monies had to be redirected in order to spend the funds before the cut-off date. Ms. Outlaw agreed that prior to the last 2 years, this situation had arisen for the prior 8 years. She said it was very difficult to turn around some of the projects within a one-year period, so the City Commission had endorsed some policy changes to help meet spending requirements, which had sufficed for the past 2 years. However, some engineering projects had not moved forward as timely as anticipated this year, such as the 19<sup>th</sup> Street Infrastructure Project and the 13<sup>th</sup> Street Project. Ms. Outlaw said that when funds were diverted, the projects were funded in alternative years.

Commissioner Katz hoped the Commission would learn about such situations earlier so the monies could be diverted to the projects the Commissioners thought should be funded in the meantime. Ms. Outlaw agreed to provide progress reports to the Commission. Commissioner Smith agreed with Commissioner Katz. He felt that if the problem involved insufficient engineering staff to move projects forward, then some other approach should be considered.

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to approve as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Proposed Lien Settlements  
for Special Master and Code Enforcement Board Cases ..... (M-25)**

A motion was presented authorizing proposed lien settlements for the following Special Master and Code Enforcement Board cases:

1. 781 S.W. 26 Avenue (CE98071748) – Supreme Clermont and Anise Clermont - \$500
2. 1125 N.E. 16 Place (CE00010675) – Ann Elliott - \$3,000
3. 1721 N.E. 9 Street (CE99021160) – Michael Nicklas and Kathleen Nicklas - \$685
4. 512 N.E. 13 Street (CE01100361) – Marie Noel Francois - \$4,500
5. 407 S.W. 22 Avenue (CE01051458) – Willie J. Taylor - \$1,500
6. 1412 N.E. 4 Place (CE00010170) – Frank T. DeLucas and Iris M. McDonald - \$2,830
7. 101 N.E. 16 Street (CE00101047) – Kenneth S. Hale - \$1,215
8. 2501 East Sunrise Boulevard (CE01031997) - City National Bank of Miami, TR - \$1,000;  
2539 East Sunrise Boulevard (CE01051366) - \$1,500
9. 6001 N.W. 9 Avenue (CE00111016) – Arnold J. Mittelman - \$9,400
10. 914 N.W. 13 Avenue (CE00101634) – Darryl Tunnage - \$15,975
11. 575 Riverside Drive (CE99120649) – Leonardo F. Maceli and Cecilia Maceli - \$4,000
12. 1230 N.E. 2 Avenue (CE00020383) – Roselaine Geffrard and Paul Tenyson - \$2,000
13. 1313 N.W. 11 Place (CE01021235) – Secretary of HUD - \$9,900
14. 640 N.W. 21 Terrace (8904015) – 940 NW 21 TR, Inc. - \$24,000
15. 800 N.E. 18 Street (CE00122227) – Mark O. Cheeley - \$1,425
16. 2314 East Sunrise Boulevard (CE97101200) – Keystone-Florida Property Holding - \$15,000

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Smith to approve the lien settlements as recommended, excepting Items 9, 10, 11 and 13. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

9. 6001 Northwest 9<sup>th</sup> Avenue (CE00111016) – Arnold J. Mittelman - \$9,400

*Mr. Charles Mursick*, of Marble World, stated that there had been a lot of problems when he had moved into the building, and he felt \$9,400 during these times was an unnecessary penalty. He requested that the lien be settled for \$2,500 to recover the City's costs. He explained that the delays had been due to the time necessary to get permits.

Commissioner Katz said she was familiar with the history of the case, but a lot of City time and energy had been expended to bring this property into compliance, and the full fine amount was about \$38,000. She felt the recommended settlement of \$9,400 was reasonable.

**Motion** made by Commissioner Katz and seconded by Commissioner Moore to settle this lien in the amount of \$9,400 as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

10. 914 Northwest 13<sup>th</sup> Avenue (CE00101634) – Darryl Tunnage - \$15,975

Upon questioning by Commissioner Moore, Mr. John Simmons, Assistant Director of Community Inspections, advised that this property had been brought into compliance about 6 months ago. Commissioner Moore felt almost \$16,000 was too much, and he suggested a settlement of \$3,300.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to settle this lien for \$3,300. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

11. 575 Riverside Drive (CE99120649) – Leonardo F. and Cecelia Maceli - \$4,000

Commissioner Moore noted that this settlement did not reach the usual 15% of the fines accrued. Commissioner Hutchinson, as District Commissioner, was satisfied with this settlement.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to settle this lean for \$4,000 as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

13. 1313 Northwest 11<sup>th</sup> Place (CE01021235) – Secretary of HUD - \$9,900

Commissioner Moore understood HUD had allowed this property to fall into this condition. Mr. Simmons advised that the property had been cleaned up prior to HUD being involved, and then there had been a foreclosure. He explained that the settlement would be paid by the original owner, Unions Planters Bank.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to settle this lien for \$9,900 as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

14. 640 Northwest 21<sup>st</sup> Terrace (8904015) – 940 NW 21 Terrace, Inc. - \$24,000

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to reconsider Item 14. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Commissioner Moore asked about the type of upgrade planned for this site. Mr. Simmons understood painting and upgraded landscaping was proposed. Commissioner Moore noted that the settlement amount was about 25% of the fine, and he did not see that consistency throughout these recommendations. Mayor Naugle agreed they were handled on a case-by-case basis depending upon the circumstances. Commissioner Moore desired information as to the rationale brought to bear on these settlements.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to settle this lien for \$24,000 as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Amendment to Unified Land Development**

**Regulations (ULDR) – State Road 84 Interdistrict Corridor Regulations ..... (M-26)**

A public discussion was scheduled on a proposal to amend the ULDR's State Road 84 Interdistrict Corridor regulations, with respect to landscaping, sidewalks, architectural, and "build-to" requirements that are currently in effect as zoning in progress. Notice of public discussion was published June 8, 2002.

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to defer consideration of this item to Tuesday, July 2, 2002 at 6:00 p.m. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Application of Dock Waiver of Limitations and**

**Settlement with Mark Stephenson – John E. Rudnik – 2807 N.E. 36 Street ..... (PH-1)**

A public hearing was scheduled to consider a resolution authorizing the proper City officials to waive the limitations under Section 47-19.3(d) of the City's Unified Land Development Regulations (ULDR) to allow John E. Rudnik to modify and maintain a dock and boat lift that extends in the Rio Mary Rita Canal a maximum distance of 18 feet from the property line, where only an 11.5 feet distance is otherwise permitted. Notice of public hearing was published November 8 and 15, 2001; on November 20, 2001, the City Commission deferred consideration of this item to January 8, 2002 by a vote of 5-0; on January 8, 2002, the City Commission deferred consideration of this item to March 19, 2002 by a vote of 5-0; and on March 19, 2002, the City Commission deferred consideration of this item to June 18, 2002 by a vote of 5-0.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to defer consideration of this item to Tuesday, September 17, 2002 at 6:00 p.m. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Development Order –  
Florida Department of Transportation (FDOT)/Cypress Creek  
Park and Ride Associates, Limited Partnership, Lessee –  
Lightspeed Broward Center Development of Regional Impact  
(DRI) (PZ Case No. 109-R-00[02]) ..... (O-1)**

At the January 23, 2002 regular meeting, the City Commission approved by a vote of 5-0 the consideration of an ordinance for this application for first reading on March 5, 2002; and at the February 20, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 5-2 that the following application be approved. Ordinance No. C-02-11 was published January 4, 2002 and February 23, 2002, and was approved on first reading June 4, 2002 by a vote of 5-0.

Applicant:	FDOT/Cypress Creek Park and Ride Associates, Limited Partnership, Lessee
Request:	Development order for the Lightspeed Broward Center DRI
Location:	Area south of Cypress Creek Road, north of 60 Street, east of Andrews Avenue and west of I-95, also known as the FDOT Park and Ride Facility

Mayor Naugle disclosed that he had discussed this item at a Metropolitan Planning Council meeting. Commissioner Katz said she had spoken with County Commissioner Jacobs. She explained that this had been deleted from the County Commission's agenda because there were concerns about the lack of housing on the site. She understood the problem was that the area was in the flight path of planes arriving at the Executive Airport, so housing would not be appropriate in that location. Commissioner Katz had suggested consideration of North Andrews Gardens as the housing element of this project and market it as such.

Commissioner Moore supported Commissioner Katz's suggestion, but this was an opportunity to advance the cause of affordable housing. He recalled past discussion about an ordinance that would require developers to contribute monies for an affordable housing fund. Commissioner Moore hoped that when the County Commission considered this matter, it also be asked to consider some fund to assist in the goal of providing affordable housing. Commissioner Katz supported the idea as long as the housing was located in Fort Lauderdale.

Commissioner Moore introduced the following ordinance on second reading, as revised:

**ORDINANCE NO. C-02-11**

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING A DEVELOPMENT ORDER FOR THE LIGHTSPEED BROWARD CENTER DEVELOPMENT OF REGIONAL IMPACT, WHICH CONSISTS OF APPROXIMATELY 11.5 ACRES WITHIN THE CITY OF FORT LAUDERDALE AND CITY OF OAKLAND PARK, LOCATED GENERALLY SOUTH OF CYPRESS CREEK ROAD, NORTH OF N.W. 60<sup>TH</sup> STREET, EAST OF ANDREWS AVENUE AND WEST OF I-95 COMMONLY KNOWN AS THE CYPRESS CREEK PARK AND RIDE LOT; PROVIDING FOR THE DEVELOPMENT OF AN OFFICE, HOTEL AND COMMUNICATION FACILITY; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR DEVELOPMENT IDENTIFICATION; PROVIDING CONDITIONS AND OBLIGATIONS RELATING TO THE DEVELOPMENT;

PROVIDING A BUILDOUT DATE AND OTHER GENERAL CONDITIONS;  
PROVIDING FOR RECORDING, TRANSMITTAL, AND MONITORING;  
PROVIDING FOR A PROHIBITION AGAINST DOWN-ZONING; PROVIDING  
FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR  
AN EFFECTIVE DATE.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Change of Control of the Cable Communications  
Franchise Resulting from the Agreement and Plan of  
Merger between AT&T Corp. and Comcast Corporation..... (O-2)**

An ordinance was presented approving the change of control of the cable communications franchise resulting from the Distribution and Separation Agreement between AT&T Corp. and AT&T Broadband Corp. and the Agreement and Plan of Merger between AT&T Corp. and Comcast Corporation, with the present franchisee, District Cablevision Limited Partnership, d/b/a AT&T Broadband continuing to hold the franchise granted by the City to construct, operate and maintain a cable television system over the public property of the City subject to certain conditions; authorizing the proper City officials to enter into a consent to such change of control; and further authorizing the proper City officials to execute those documents necessary to effectuate the City's consent to the transfer. Ordinance No. C-02-12 was published May 23 and 30, 2002, and was approved on first reading June 4, 2002 by a vote of 5-0.

Commissioner Moore wished to public thank AT&T for "stepping up to the plate" after he had expressed his concerns about customer service. He advised that the Fort Lauderdale Track Club was being assisted by AT&T.

Commissioner Moore introduced the following ordinance on second reading:

**ORDINANCE NO. C-02-12**

AN ORDINANCE APPROVING THE TRANSFER OF CONTROL OF THE CABLE COMMUNICATIONS FRANCHISE RESULTING FROM THE AGREEMENT AND PLAN OF MERGER BETWEEN AT&T CORP. AND COMCAST CORPORATION, WITH THE PRESENT FRANCHISEE, DISTRICT CABLEVISION LIMITED PARTNERSHIP, D/B/A AT&T BROADBAND CONTINUING TO HOLD THE FRANCHISE GRANTED BY THE CITY OF FORT LAUDERDALE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM OVER THE PUBLIC PROPERTY OF THE CITY OF FORT LAUDERDALE SUBJECT TO CERTAIN CONDITIONS; AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT TO SUCH TRANSFER OF CONTROL; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THOSE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S CONSENT TO THE TRANSFER.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Amend Unified Land Development Regulations (ULDR)  
Section 47-19 – “Accessory Uses, Buildings and Structures”  
to Permit Construction Staging Areas for Public Construction  
Projects (PZ Case No. 2-T-02) ..... (O-3)**

An ordinance was presented amending ULDR Section 47-19.2, “Accessory Buildings and Structures, General” to add a new subsection entitled “Construction Staging Areas” to permit property to be used as a staging area in connection with public construction projects as a temporary use in any zoning district, and providing requirements and a process for review, approval and termination of approval. Ordinance No. C-02-13 was published May 25, 2002, and was approved on first reading June 4, 2002 by a vote of 5-0.

Commissioner Moore introduced the following ordinance on second reading:

**ORDINANCE NO. C-02-13**

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-19.2, ACCESSORY BUILDINGS AND STRUCTURES, GENERAL, TO ADD A NEW SUBSECTION ENTITLED “CONSTRUCTION STAGING AREAS” TO PERMIT PROPERTY TO BE USED AS A STAGING AREA IN CONNECTION WITH PUBLIC CONSTRUCTION PROJECTS AS A TEMPORARY USE IN ANY ZONING DISTRICT AND PROVIDING REQUIREMENTS AND A PROCESS FOR REVIEW, APPROVAL AND TERMINATION OF APPROVAL.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Amend Unified Land Development Regulations  
(ULDR) Sections 47-24 and 47-35 – “Development Permits  
and Procedures” (Site Plan Expiration) (PZ Case No. 1-T-02) ..... (O-4)**

At the April 17, 2002 regular Planning and Zoning Board meeting, the following application was approved by a vote of 5-2. Ordinance No. C-02-14 was published May 25, 2002, and was approved on first reading June 4, 2002 by a vote of 5-0.

Applicant: City/Construction Services Bureau  
Request: Amend ULDR Section 47-24, “Development Permits and Procedures,” site plan expiration, including expiration of dwelling units; and Section 47-35, “Definitions,” providing for new terminology (Principal Building and Principal Structure)

Commissioner Katz wished to thank Liz Holt for her efforts in this regard.

Commissioner Moore introduced the following ordinance on second reading, as revised:

ORDINANCE NO. C-02-14

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-24, DEVELOPMENT PERMITS AND PROCEDURES, AND SECTION 47-35, DEFINITIONS, REGULATING THE EXPIRATION OF SITE PLANS AND OTHER DEVELOPMENT PERMIT APPROVALS AND DWELLING UNITS AND PROVIDING A DEFINITION FOR A PRINCIPAL STRUCTURE AND PRINCIPAL BUILDING.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Amend Section 26-161, “Rates and Hours for Off-Street Parking” –  
E. Clay Shaw Bridge (S.E. 17 Street Causeway) Underdeck Parking Areas ..... (O-5)**

An ordinance was presented amending Section 26-161, “Rates and Hours for Off-Street Parking,” of the City’s Code of Ordinances to provide for hours of operation, metered parking rates, and permit parking rates for the E. Clay Shaw Bridge underdeck parking area. Ordinance No. C-02-15 was published May 25, 2002, and was approved on first reading June 4, 2002 by a vote of 5-0.

Commissioner Hutchinson asked if the hours had to extend to 2:00 a.m. She preferred hours to midnight. Mr. John Hoezle, Assistant Manager of the Parking Division, advised the hours did not have to be until 2:00 a.m., but staff had been trying to be consistent with the beach lot closings. Commissioner Smith wondered if the Marriott used the area, and Mayor Naugle believed the most use the lot received at such hours was by fishermen.

Commissioner Moore introduced the following ordinance on second reading, as amended, to close at midnight:

ORDINANCE NO. C-02-15

AN ORDINANCE AMENDING SECTION 26-161, “RATES AND HOURS FOR OFF-STREET PARKING,” OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR HOURS OF OPERATION, METERED PARKING RATES AND PERMIT PARKING RATES FOR THE E. CLAY SHAW BRIDGE UNDERDECK PARKING AREAS.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.



**Amendment to the Pay Plan –  
Medical Insurance Contributions by Management and Confidential Employees ..... (O-6)**

An ordinance was presented amending Schedule I of the Pay Plan of the City to revise the “Management Benefit Package” to state that City and employee basic and major medical insurance contributions for employee and eligible family members will be established by resolution of the City Commission. Ordinance No. C-02-16 was published June 8, 2002, and was approved on first reading June 4, 2002 by a vote of 5-0. (Also see Item R-3 on this Agenda).

Commissioner Moore introduced the following ordinance on second reading:

**ORDINANCE NO. C-02-16**

**AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT  
LAUDERDALE BY ADOPTING A REVISED “MANAGEMENT BENEFIT  
PACKAGE.”**

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Membership Dues – Broward Alliance ..... (OB)**

As discussed during Item I-H at the Conference meeting, Commissioner Katz said she had examined the materials provided by the Broward Alliance, and she had not seen anything different as to what had come into the City. She had also noticed that Hollywood paid dues of \$10,000 and wondered why Fort Lauderdale paid twice that much. Commissioner Katz suggested a \$5,000 payment of dues.

Commissioner Moore thought such a reduction might cause the Alliance to fail. He believed staff was clear on the Commission’s concerns and had urged the Alliance to be more proactive. *Ms. Joan Goodrich*, Acting President and CEO of the Broward Alliance, pointed out that the materials provided earlier related specifically to the City of Fort Lauderdale so the results specifically benefited the City. She said that the relationship with Fort Lauderdale was critical to the Alliance’s economic vitality within Broward County, and the dues were based on \$.25 per capita. Ms. Goodrich said she had learned a lot of good lessons over the past year insofar as what the Alliance should deliver to its municipal partners to ensure an appropriate return on investment.

Commissioner Moore hoped Ms. Goodrich understood the City would be asking her to validate the results and measure the outcome. Commissioner Smith suggested payment of \$10,000 this year. He said he had been disappointed with the report provided, too, and he did not think the Broward Alliance had been completely responsible for attracting some of the businesses listed in the material. Commissioner Katz agreed some of the things listed were not really true. Commissioner Moore asked her if she was suggesting the documents had been falsified. Commissioner Katz replied that she was not saying that, but these things were very subjective.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to authorize payment of \$20,000 membership dues to the Broward Alliance. Roll call showed: YEAS: Commissioners Moore, Hutchinson, and Mayor Naugle. NAYS: Commissioners Katz and Smith.

**Executive Airport – Parcel 8D – Assignment of  
Summerhaven Properties, Inc. Lease to Intelligent Motor Cars, Inc. .... (R-1)**

A resolution was presented authorizing the proper City officials to Consent to the Assignment of Lease of Executive Airport Parcel 8D from Summerhaven Properties, Inc. to Intelligent Motor Cars, Inc.

Commissioner Moore introduced a written resolution entitled:

**RESOLUTION NO. 02-108**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT TO ASSIGNMENT OF A LEASE AGREEMENT WITH SUMMERHAVEN PROPERTIES, INC. AS ASSIGNOR, AND INTELLIGENT MOTOR CARS, INC. AS ASSIGNEE, PERTAINING TO PARCEL 8D AT FORT LAUDERDALE EXECUTIVE AIRPORT.**

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Historic Designation – Gypsy Graves House –  
1115 North Rio Vista Boulevard (HPB Case No. 13-H-02) ..... (R-2)**

At the Historic Preservation Board regular meeting on April 8, 2002, it was recommended by a vote of 11-0 that the following application be approved.

Applicant: City of Fort Lauderdale  
Request: Historic designation of a building  
Location: 1115 North Rio Vista Boulevard

Mayor Naugle stated that this was a public hearing on the application filed by the City of Fort Lauderdale to designate property located at 1115 North Rio Vista Boulevard as a historic landmark in accordance with Section 47-24.11 of the Unified Land Development Regulations (ULDR). He explained that purpose of the hearing was for the Commission to consider the presentations made today and the record and recommendations of the Historic Preservation Board in order to determine if the property met the criteria for the proposed designation.

Commissioner Katz disclosed that she had discussed this with the property owners and real estate professionals involved in the process. Commissioner Moore had as well. Commissioner Smith disclosed the same communication and advised he had visited the site. Commissioner Hutchinson disclosed that she had spoken with Mr. Levine and his son and a representative from the group. Mayor Naugle disclosed that he had visited the site on various occasions.

Having affirmed to speak only the truth, by virtue of an oath administered by the City Clerk, the following individuals offered comment on this item.

Mr. Mike Ciesielski, Construction Services, stated that the subject property was located on the north side of North Rio Vista Boulevard, east of Southeast 11<sup>th</sup> Avenue. He provided the legal description, and reported that the Historic Preservation Board had voted 11 to 0 to recommend the historic designation of the property. Mr. Ciesielski displayed a list of the criteria utilized as the basis for that recommendation and briefly described each.

Mr. Ciesielski said that if the Commission agreed that the property met the criteria, it should approve the designation as requested, or approve it with conditions necessary to ensure the criteria would be met. If not, the Commission should deny the designation application.

*Ms. Marilyn Rathburn*, Historic Preservation Board consultant, stated that the subject building was 1 of 5 boom-time 1920 showplace homes designed by Architect Frances Abreu between 1925 and 1926. She reported that 3 of them had been built on the north bank of the New River, and only 4 of the original 5 remained. Ms. Rathburn stated that this site remained the same as it had been when the house was built with a boat slip on the west side Riverfront, but the landscaping had grown up to the point of obstructing views of the house from the Riverfront and the streetscape.

Ms. Rathburn noted that a swimming pool had been added in the Riverfront yard of the house some years ago, and residential homes had been developed on adjacent lots and across the River. She pointed out that this building was the work of a master builder/designer whose work had influenced the development of the City, State or nation, and she described Mr. Abreu's background and experience, and listed some of the buildings he had designed locally and throughout the country.

Ms. Rathburn referred to the value of the building. She reported that it was recognized for the quality of its architecture and sufficient elements showing its architectural significance. She stated that it had been built in the Spanish Eclectic Style, which had been a late development in Mediterranean design, including elements of earlier styles such as Mission and Monterey. Ms. Rathburn noted that Addison Mizner had introduced the style in Florida in the 1918s, although it had not become popular until the 1920s. She described some of the features that were typical of this design style, and stated that the subject building had most of those architectural details, providing a detailed description of the building and property. Ms. Rathburn also described the materials used to construct the building, which were well suited to the South Florida environment.

*Mr. Dick Coker*, Attorney representing the property owner, 1115 North Rio Vista LLC, introduced *Mr. Larry Levine*, the owner's principal and a license General Contractor. Mr. Coker felt it would be improper for the City to designate this property as historically significant. He stated that he had been present during a similar discussion involving the Lauderdale Beach Hotel, in which an "11<sup>th</sup> hour, last minute" request for historic designation had been presented. As egregious as that situation had been, he did not feel it was even close to the situation this property owner was in now.

Mr. Coker stated that the owners had purchased this property for \$1.4 million in 2000 and had been paying taxes on it ever since. The owner had initially thought to renovate it for sale, but as inspections and examinations occurred, it had become clear it was not feasible for a luxury residence in the Rio Vista area. Therefore, the owner had entered into partnerships, made commitments, hired professionals to prepare plans, and had gone through the process necessary to demolish the house and construct a new luxury residence.

Mr. Coker advised that expenses had been incurred during the process, and a construction loan agreement had been executed for \$2.5 million, which the owner was obligated to pay on the basis of plans and specifications submitted for approval of the loan. He stated that an application for a demolition permit had been submitted, and the contractor had been told at that point that there had been a "hold" placed on the permit issuance to the property in November, 2001.

Mr. Coker stated that the owner had been notified in March that an application had been filed to designate the house as historically significant and that the request would be heard by the Historic Preservation Board on April 8, 2002. He advised that this was the first time anyone had inkling that anyone was considering this house, which was in a deplorable condition, for historic designation. Mr. Coker said he had presented the "11<sup>th</sup> hour" argument to the Board, as well as the "fairness argument" involving vested rights and equitable estoppel. However, the Board had indicated it addressed only the criteria, and those arguments were more appropriately presented to the City Commission.

Mr. Coker advised that litigation was currently on hold pending the City Commission's decision this evening. He stated that in that litigation, the City had drawn an analogy between this process and the rezoning process. Mr. Coker understood the City had a right to rezone someone's property, which was almost absolute, subject to the owner's rights under the principles of equitable estoppel and vested rights. He advised those principles were clear in the law and indicated that if a property owner relied upon existing regulations to their detriment and incurred costs in good faith reliance, the government was prevented from rezoning that property. Mr. Coker stated that the same situation existed in this case, and he felt this designation should be denied under those principles, and the property owner should be permitted to go forward with the plans to construct a new luxury home.

*Mr. Larry Levine*, Contractor representing the property owner, stated that he and his partner had purchased the subject house for \$1.4 million in July, 2000 with the idea of renovating the house. Upon questioning by Mr. Coker, Mr. Levine said that he had held a State License as a Certified General Contractor since 1973, and he described his background. Mr. Levine stated that the house had a certain intrigue, but as inspections and examinations of the house's systems were conducted, it had become clear that it was deteriorated beyond repair.

Mr. Levine said he had worked with several other builders, who shared his analysis that the house could not be renovated. He stated that it did not lend itself to the kind of construction necessary to result in a marketable property. Therefore, a decision had been made to replace the home, and a joint venture had been formed in July, 2001, and a contract had been executed for architectural services for the design of a new single-family home.

Mr. Levine advised that a preliminary plan had been prepared in August, 2001, and a verbal commitment had been obtained for the financing in December 27, 2001. Mr. Coker inquired about the expenses incurred for the architectural plans, and Mr. Levine replied that the plans cost about \$50,000. In addition, a commitment had been made for demolition at a cost of \$15,600, and a copy of the demolition contract had been provided to the City. Mr. Levine stated that the owner had also obligated itself to principal and interest payments in the amount of \$2.5 million and had paid over \$70,000 in closing costs. He summarized that the owner had paid for or obligated itself to pay over \$110,000 for various professional services to move forward with the new construction.

Mr. Levine stated that it had not been until mid-March, 2002 that the owners had learned a hold had been put on the property in terms of permit issuance. Mr. Coker asked Mr. Levine if he had done an analysis of what it would take to bring the existing residence up to habitable condition as a luxury residence. Mr. Levine referred to Exhibit 7, distributed as back-up material, which was an estimate of the renovation cost amounting to \$1.18 million.

Mr. Coker asked if an analysis had been performed as to the soft and other costs associated with renovating the house. Mr. Levine replied he had, and the sale price of the house in order to breakeven would have to be \$3.7 million. He displayed photographs of the interior of the house and described each, pointing out the deteriorated condition of the structure and features, and the “hodge-podge” modifications made over the years.

Mr. Coker understood there were a total of 5 houses designed by Frances Abreu on the River, and 1 had been demolished, so 4 remained. He pointed out that all 4 had been analyzed, and the remaining characteristics were summarized in a table, which was displayed and explained in order to contrast the subject house with the other 3 Abreau houses that existed. Mr. Levine provided photographs of the other 3 existing houses taken from different perspectives and described the views and the houses.

Mr. Coker stated that there was a criteria contained in the Florida Building Code that related to the replacement cost of structures related to the percentage of value. He asked Mr. Levine if the estimated replacement cost of \$1.8 million was more or less than 50% of the cost of replacement of the existing structure. Mr. Levine replied that it was far more than half the cost of replacement, and he displayed a colored rendering of the new house proposed for the site.

Mr. Coker asked Mr. Ciesielski if the City had adopted any resolution designating Frances Abreu’s work as historic, important or worthy of preservation. Mr. Ciesielski did not believe so, although there had been some discussion in that regard by the Historic Preservation Board. Mr. Coker asked if the other 3 existing Abreu homes had been designated as historic, and Mr. Ciesielski replied they had not. Mr. Coker did not believe applications for such designation had even been submitted. Mr. Ciesielski was not aware of any such applications.

*Mr. Bill Saunders*, member of the Historic Preservation Board, said he had voted to send this to the City Commission for designation because it was the right thing to do. However, as a citizen, he deplored the manner in which buildings were designated historic in the City. He felt the City should consider revising its methods because they often resulted in situations that could cause unnecessary litigation. Mr. Saunders stated that the Board was examining some alternatives that would be presented to the Commission in the not too distant future.

*Mr. Charles Jordan*, Chairman of the Historic Preservation Board, said that Mr. Saunders had voiced the sentiments of just about everyone involved in the historic designation process, and there was no doubt that these designations should be considered in a different manner. However, it was necessary to deal with the ordinance as written, and it did not preclude the process in the “eleventh hour.” In fact, such designations were typically sought when significant buildings were in jeopardy all over the country. He explained that was the time when people finally realized they were about to lose a historic asset. Mr. Jordan said that it was clear to the 11 members of the Board, at least, that this building met all the criteria contained in the Code as to historic designation.

Mr. Jordan understood the owner had provided estimates of renovation and replacement of the house, but he believed the average contractor would always favor demolition over rehabilitation. He wondered if any of the estimates had been provided by those with experience in historic renovation, and he acknowledged renovation was more difficult than replacement. Mr. Jordan noted that some people viewed it as a challenge while others preferred to avoid such challenges. He felt this was a public asset that should be preserved even if it were difficult. He was also concerned about the message the City would send if it "turned its back" on the most notable architecture in the County. Mr. Jordan also thought the owner should feel an obligation to protect this historic asset for future generations.

Commissioner Moore thanked Mr. Jordan and Mr. Saunders for their volunteer efforts as members of the Board. He noted that there were 3 other Abreu houses that had been discussed by the Board at the same time as this building had been considered. Mr. Ciesielski believed Ms. Rathburn had alluded to those homes generally without discussing them specifically. Mayor Naugle noted that the owners' names and the addresses had been provided on page 19 of the minutes of that Board meeting.

Commissioner Moore believed the City Commission had asked the Board to go through the City and identify properties that should be designated for historic preservation because these matters were so often raised in the eleventh hour. He asked if the Board had taken action on the other 3 Abreu homes. Mr. Jordan replied that the Board had asked staff to present all Abreu properties for historic designation. However, the City Commission had not committed the resources for preservation. He stated that the Board felt there was insufficient staff to address historic preservation in Fort Lauderdale, which had to be dealt with from all sides, including the side of the property owners.

Commissioner Moore understood the Board had asked staff to apply for historic designation for all Abreu properties. Mr. Jordan agreed that request had been made within the last 6 months, although he did not know if it had been made at the April 8, 2002 meeting. Mayor Naugle quoted from the meeting minutes, which indicated that Chairman Jordan asked if it was the opinion of the Board that the buildings of certain architects should be designated as historic, and there had been consensus. Mr. Jordan did not believe that had been the first the time idea had been mentioned.

Commissioner Moore asked if building permits had been approved for a new structure on this site. Mr. Bruce Chatterton, Planning & Zoning, stated that except for the demolition permit application being rejected, he was not aware of any other permit applications. Commissioner Moore asked if site plans and renderings had been submitted to the Building Department. Mr. Ted DeSmith, Building Services Manager, did not recall any permit applications for this property, although he did not know about everything that might be underway. Mayor Naugle understood he could not be certain, but he did not believe any permit application had been submitted. Mr. DeSmith agreed that was correct.

Commissioner Moore wondered who had initiated this application for historic designation at the eleventh hour. Mayor Naugle believed the City Commission had initiated the application after he had presented the idea to the Commission on November 6, 2001. Commissioner Smith believed the owner had developed a site plan at that point, but it had not been submitted to the City for a permit at that time. Mr. Coker agreed that plans had been prepared by an architect at that time, but they had not been submitted because the architect needed soil borings for the pilings to finish the foundation plans, and that could not be done until after the demolition. However, the working drawings had been completed pending finalization of the foundation plan.

Commissioner Smith was not certain that the City was taking the issue of historic preservation seriously enough. He did not like these eleventh hour applications and the fact that property owners were spending hundreds of thousands of dollars before being informed that an effort was underway to have a structure designated. Commissioner Smith stated that the Commission had appropriated \$50,000 in March for a consultant to inventory potentially historic structures.

Mr. Greg Kisela, Assistant City Manager, agreed \$50,000 had been allocated, and staff was in the process of being proactive rather than reactive and shared frustrations about the eleventh hour nature of the process. He stated that staff was working with the Historical Society, but there was about half to three-quarters of a full-time Planner dedicated to supporting historic preservation. In addition, the City had an annual \$50,000 contract with the Historical Society.

Mr. Kisela recalled that the original intent had been to hire a consultant to identify potentially significant buildings for historic designation, but staff was working on reshaping the contract with the Historical Society to do the survey. Commissioner Smith asked when those arrangements would be finalized. Mr. Ciesielski replied that he had met with the Purchasing Division today, in fact, and the contract was almost finalized. Then, the scope of services would be publicized, and he expected interviews to be conducted by the end of July in order to retain someone by the beginning of August.

Commissioner Smith inquired about the buildings the Historic Preservation Board had asked staff to present for designation. Mr. Ciesielski advised that the City had not made application for designation of the other 3 Abreu houses mentioned.

Mayor Naugle felt some weight had to be given to the fact that these properties were often marketed as being historically significant, and this particular property had been on the Junior League's historic tour. Further, real estate professionals were aware of which buildings were likely to be historically designated. He felt a property owner would have to be completely unaware not to realize that such a building might be subject to preservation regulations. Therefore, he did not believe people were any more ignorant to that possibility than they would be ignorant to the possibility of environmental issues if there were mangroves on a vacant lot. Mayor Naugle agreed this had gone on too long, and the City had to be more proactive. Commissioner Smith said he had felt the same way, and he had posed these questions to the owner. He did not believe the owner had any clue whatsoever.

Commissioner Katz believed anyone could submit an application for historic designation, so anyone could have taken it upon themselves to submit applications to designate all of the Abreu homes. She asked if anyone had informed the owners about this possibility after Mayor Naugle had raised the issue in November, 2001. Mr. Chatterton stated that the property had been flagged to ensure no demolition permit would be issued. There had also been discussion with the Historical Society about initiating an application and about the consultant to provide an inventory. Commissioner Katz felt a lot of the responsibility for this fell to the City because there had been no follow through.

Mr. Coker noted that there were 4 Abreu houses remaining in Fort Lauderdale, and 3 had been well maintained. He felt the City should concentrate on preserving those homes, but this particular house was in deplorable condition and could not be saved. In fact, he believed the house could be considered unsafe by the Unsafe Structures & Housing Appeals Board. Mr. Coker stated that this might meet the criteria contained in the Code, but those criteria were also subject to the laws of the State of Florida and the United States. He explained that it was sometimes just not fair for government to exercise certain powers, and the law limited that power when it was not fair.

Mr. Coker reiterated that the Building Code indicated that if a building was unsafe and it would cost more than half the reconstruction value of the building to renovate it, it had to be demolished. He pointed out that testimony had been provided indicating that it would cost as much to renovate as it would to build a new structure. Mr. Coker said that some wanted property owners to renovate certain buildings at tremendous cost, while requiring the demolition of others when the owners wanted to renovate. He pointed out that the City Commission had to weigh the public's rights and interests against the private interests, and that was true of all action taken by the Commission. Mr. Coker hoped the City would do everything possible to save the other 3 Abreu homes but, when the harm caused to this property owner was weighed against the public interests, he believed the "scales tipped" to the side of the owner.

Mayor Naugle referred to the owner's argument that it would cost more than 50% of the reconstructed value to renovate the structure and make it habitable. He referred to Exhibit 7 and did not agree that so much money had to be spent to make it habitable. Mayor Naugle pointed out that \$50,000 worth of doors were not necessary to make it habitable, nor was \$52,000 worth of flooring necessary. It also did not require \$30,000 worth of landscaping or \$4,000 worth of mirrors to make the building habitable, nor were a swimming pool, a fountain, hardscape features, etc., necessary. He thought it was interesting that the necessary electrical work would cost \$35,000, but the rest of the expensive features were not necessary to make the house habitable. Mayor Naugle did not feel the 50% argument was valid, therefore.

Commissioner Hutchinson felt the City should be ashamed, particularly since this had been discussed in November. She understood the owner had not been notified until about March, and she thought the City would lose no matter what in this case. Commissioner Hutchinson believed the owner had a legitimate economic argument, and she was tired of considering these things at the last minute. She felt properties should be proactively designated for historic preservation, and she thought the Historic Preservation Board should be able to do that without conflict. Commissioner Hutchinson was upset about this project, and the building might meet the criteria for historic designation, but the City had handled the situation badly again, so she was perplexed.

Commissioner Katz asked what options the Commission had if it felt the building had historical features but should not be designated as historic. The City Attorney stated that if the property was designated historic at the conclusion of this hearing, the owner would still have the right to apply for a Certificate of Appropriateness for demolition. If that were denied by the Board, the owner would have the right to appeal the decision to the City Commission. He explained that if the Commission upheld the Board's decision, the owner could seek an economic hardship exemption, and an unfavorable decision by the Board on that issue could also be appealed to the City Commission.



The City Attorney stated that a partial designation was also possible by attaching conditions to a designation under the Code. He could not say what form that might take, but it was a legal possibility as a potential resolution of this problem if the property owner made such a proposal.

Commissioner Moore referred to Mayor Naugle's comments about the building being made habitable without some of the features mentioned in the estimate. He could not help but agree, but he wondered who would be willing to pay the price to occupy the building with the existing limitations. Commissioner Moore agreed with Commissioner Hutchinson that the City had "dropped the ball."

Commissioner Moore wondered if the doors or other features could be saved. Mayor Naugle thought it would be very difficult due to the current product approval requirements contained in the Building Code. Commissioner Moore wondered if this property had ever been cited for Code violations in the past. Mr. John Simmons, Assistant Director of Community Inspections, did not know.

Commissioner Moore did not appreciate the position the City was in again, but he suggested that staff ensure that the other 3 Abreu houses were designated as historic sites. He said that he did not feel comfortable making that designation for this property tonight. Commissioner Smith thought all of the Commissioners were struggling with this issue because they all wanted to preserve historic structures. He had sought a compromise, but this building was in a deplorable condition, and it appeared there were no opportunities to incorporate pieces of the existing building into a new building as had been done with the Lauderdale Beach Hotel. Commissioner Smith hoped a new house could more closely resemble the design of the existing structure. However, he felt it was clear that the house was in a terrible condition, and he did not think the Commission had any choice but to deny this application.

Mayor Naugle said he had been on the Commission when it had discussed the Sheppard Estate because a developer had plans for demolition and construction of townhouses. He stated that the community had stepped up, and the building had been saved. Mayor Naugle was not happy that the property owner in this case had not been notified about this possibility sooner, but he felt the criteria for designation had been met. He stated that as a real estate professional himself since 1974, no real estate professional today was unaware of these issues, and he believed the owners should have known the risks involved.

Commissioner Moore believed that in the case of the Sheppard Estate, there had been a number of units over which the costs could be spread, but this was completely different involving a single occupant. He thought it would be hard to find someone willing to spend several million dollars on a house just to preserve it as a historic home. Commissioner Moore did not support the resolution.

Mayor Naugle noted that if the designation passed, and the owner went through the process for a Certificate of Appropriateness and any necessary appeals, it would take 6 months. He thought a purchaser might come along within that time who would be willing to pay \$1.8 million or \$2 million, which would make this property owner "whole." He thought it was conceivable, and he believed they knew the risk. In fact, he believed the marketing material for the property probably contained references to the historic nature of the house.

Commissioner Smith believed the owner had been unaware of the possibility. He wondered if there had been marketing materials like those mentioned by Mayor Naugle. Commissioner Moore asked when the owner had purchased the property. Mr. Coker believed it had been purchased in July, 2000. Commissioner Moore understood the owner's original intent had been to preserve the house until it had been learned that the cost would be prohibitive.

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING THE BUILDING AND PROPERTY LOCATED AT 1115 NORTH RIO VISTA BOULEVARD, FORT LAUDERDALE, AS A HISTORIC LANDMARK PURSUANT OT SECTION 47-24.11 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS.

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Which resolution was read by title only. Roll call showed: YEAS: Mayor Naugle. NAYS: Commissioners Katz, Smith, Moore and Hutchinson.

**Payroll Deductions for Non-Bargaining Unit  
Employees (Management and Confidential) – Health Insurance Benefits ..... (R-3)**

A resolution was presented establishing biweekly payroll deductions for health insurance benefits for nonbargaining unit employees (Management and Confidential) in accordance with Ordinance No. C-02-16. (Also see Item O-6 on this Agenda).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 02-109

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING BI-WEEKLY PAYROLL DEDUCTIONS FOR PAY SCHEDULE I AND PAY SCHEDULE II AND FURTHER SPECIFYING BI-WEEKLY PAYROLL DEDUCTION RATES.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Amendments to Personnel Rule XI Section 3 – Vacation Leave ..... (R-4)**

A resolution was presented amending Personnel Rule XI, Section 3, entitled "Vacation Leave," to clarify that the conversion of personal holidays to vacation leave upon implementation of the City's new payroll/human resources computer system will not increase an employee's maximum vacation leave payout amount upon termination of City employment; and further providing that employees whose vacation leave balance exceeds the maximum due to posting of longevity leave (earned but not previously posted) upon the implementation of the new payroll/human resources computer system shall have a six (6) month period to use the excess leave, after which if not used, it will be forfeited.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 02-110

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING PERSONNEL RULE XI, GENERAL PERSONNEL POLICIES AND PROVISIONS, REVISING THE RULES TO CLARIFY THAT THE MAXIMUM VACATION LEAVE PAYOUT UPON TERMINATION OF EMPLOYMENT WILL BE UNAFFECTED BY THE UPCOMING IMPLEMENTATION OF THE NEW PAYROLL COMPUTER SYSTEM. EMPLOYEES WILL BE PROVIDED WITH A SIX (6) MONTH PERIOD TO USE ANY EXCESS VACATION LEAVE RESULTING FROM THE POSTING OF LONGEVITY VACATION LEAVE UPON IMPLEMENTATION OF THE NEW COMPUTER SYSTEM.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Second Amendment to Joint Project Agreement (JPA) – Florida  
Department of Transportation (FDOT) - Project 9642 – Construction of  
24-Inch Water Main and Force Main at S.E. 17 Street/Intracoastal Waterway ..... (R-5)**

A resolution was **deleted** from the agenda authorizing the proper City officials to execute a second amendment to the JPA with FDOT for the 24-inch water main and force main at S.E. 17 Street and the Intracoastal Waterway to increase the amount of the original agreement by \$16,823.04 to cover additional costs.

**Purchase of Horticultural Chemicals (Item Pur. 5, June 4, 2002 Agenda) ..... (OB)**

Commissioner Hutchinson wished to reconsider Item Pur. 5 from the June 4, 2002 Agenda regarding the purchase of Horticultural Chemicals. Commissioner Smith wondered if staff could change the request that had been presented.

Mr. Phil Thornburg, Parks Superintendent, stated that the amount of chemicals purchased could be reduced.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Smith to reconsider Item Pur. 5 from the June 4, 2002 Agenda on July 2, 2002. Roll call showed: YEAS: Commissioners Katz, Smith, Moore and Hutchinson. NAYS: Mayor Naugle.

**Legal Services and Assistance –  
Florida State Attorney General - Settlement of Threatened  
Litigation Involving the Department of Justice on the Claim of Elgin O. Jones ..... (OB)**

A resolution was presented accepting the Florida Attorney General's offer to provide legal services and assistance with negotiating a potential settlement of the threatened litigation by the Department of Justice (DOJ) regarding the claim of Elgin O. Jones (EEOC Charge No. 15-A-98-0317).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 02-111

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE OFFER OF LEGAL SERVICES AND ASSISTANCE BY THE ATTORNEY GENERAL OF THE STATE OF FLORIDA IN CONNECTION WITH THE CITY'S EFFORTS TO RESOLVE THREATENED LITIGATION BY THE UNITED STATES DEPARTMENT OF JUSTICE RELATED TO THE CLAIM OF CITY EMPLOYEE ELGIN JONES, PENDING AS EEOC CHARGE NUMBER 15A-98-0317.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Allocation for Fort Lauderdale Sister Cities International Program ..... (OB)**

As discussed in Conference, a motion was presented authorizing an allocation of \$20,000 to the Sister Cities International Program.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to transfer \$20,000 from General Fund Contingencies to ED 030301 Sub Object 4299 (Other Contributions) for the Fort Lauderdale Sister Cities International Program. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: Commissioner Katz.

At 9:25 p.m., the meeting was recessed. It was reconvened at 10:03 p.m.

**Advisory Board Appointments ..... (OB)**

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Aviation Advisory Board

Steve Stella  
Robert Hord  
Tom B. Newman  
Paul Renneisen  
John McGinnis  
Dr. Lee Alexander  
Mildred Hightower  
Bernie Petreccia  
Jack Brewer  
John E. McKaye, Tamarac Representative

Northwest-Progresso-Flagler Heights  
Redevelopment Advisory Board

William James Cain

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 02-112

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Kids Voting** ..... (OB)

As discussed at Conference:

**Motion** made by Commissioner Smith and seconded by Commissioner Katz to recommend inclusion of \$2,500 in next year's budget for the Kids Voting program. Roll call showed: YEAS: Commissioners Katz, Smith, Hutchinson, and Mayor Naugle. NAYS: Commissioner Moore.

**Establishment of a Broward County Fire-Rescue Council** ..... (OB)

A resolution was presented opposing the current language of the proposal from the Broward County Charter Review Commission to establish a Broward County Fire-Rescue Council.

Commissioner introduced a written resolution entitled:

RESOLUTION NO. 02-113

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, OPPOSING THE CURRENT LANGUAGE OF THE PROPOSAL OF THE BROWARD COUNTY CHARTER REVIEW COMMISSION TO ESTABLISH A BROWARD COUNTY FIRE-RESCUE COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

At 10:05 P.M., Mayor Naugle adjourned the meeting.

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Jim Naugle  
Mayor

ATTEST:

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Lucy Masliah  
City Clerk